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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,446	09/01/2004	Markus Gehrig	P/4043-39	9984

7590 11/07/2006
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EXAMINER

JONES, DAVID B

ART UNIT	PAPER NUMBER
3725	

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/506,446	GEHRIG ET AL.	
	Examiner	Art Unit	
	David B. Jones	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/01/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 16-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 5 of claim 16, the limitation, "readily bent cross-section at least in a region to be bent" is indefinite and unclear in meaning. On line 8 of claim 16, the limitation, "moving the slide element in the inner arc wall region" is vague and unclear; the limitation - - moving the slide element against (or "up to") the inner arc wall region - -, would make for a clearer recitation. On line 10 of claim 16, it would appear that "in" should be changed to - -of- - to make for a more idiomatic recitation. Finally in claim 16, line 11, the limitation, "an opening of the bend" is vague and indefinite and should be clarified as to its meaning. In claim 17, line 3, the limitation "bending distal wall zone" lacks clear antecedent basis or definition. In claim 18, the recitation "range" on the last line, last word, should be changed to - - region- - in order to be commensurate with the rest of the claim. In claim 19, line 1, the word - -of- - should be inserted after "withdrawing" and on line 2, - -, - - should be inserted after "element", to make the claim clear and definite. In claim 20, the limitation, "viewed from outside" is vague and renders the claim indefinite. In claim 21, it is unclear what makes for a "necking region". Claim 33 suffers from the same deficiencies as that of claim 16 and should be reviewed and amended in the same manner.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Bonny et al.

Bonny teaches the claimed invention including a slide element 13 located on an inner arc wall region of a workpiece 7 which is undergoing a HIP process. The intended operation and steps performed on the workpiece as recited in the first 6 lines of claim 33 is given little if any patentable weight in an apparatus claim. Regarding claim 36, the shape of the workpiece should not be used to define the structure of the claimed apparatus and hence such reference to the workpiece is given no weight. The element 13 of Bonny teaches a convex curved portion which mirrors that of the inner arc wall of the workpiece 7.

3. Claims 16-32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

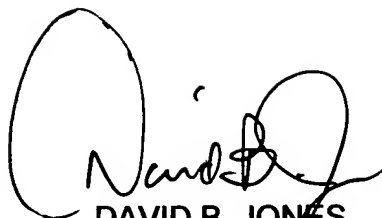
5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David B. Jones whose telephone number is (703) 308-1887.

Any inquiry of general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3700.

In the event that the Applicant (s) wishes to communicate via Fax number for Group 3700 is (703) 872-9306.

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wahp

A handwritten signature in black ink, appearing to read "David B. Jones". The signature is fluid and cursive, with a large initial "D" and "J".

DAVID B. JONES
PRIMARY PATENT EXAMINER
ART UNIT 3725